

[Rollcall Vote No. 297 Ex.]

## YEAS — 100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

The nomination was confirmed.

VOTE ON NOMINATION OF MICHAEL P. MILLS

The PRESIDING OFFICER. The clerk will report the nomination Michael P. Mills.

The legislative clerk read the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. JEFFORDS) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 298 Ex.]

## YEAS—98

Akaka	Chafee	Feinstein
Allard	Cleland	Fitzgerald
Allen	Clinton	Frist
Baucus	Cochran	Graham
Bayh	Collins	Gramm
Bennett	Conrad	Grassley
Biden	Corzine	Gregg
Bingaman	Craig	Hagel
Bond	Crapo	Harkin
Boxer	Daschle	Hatch
Breaux	Dayton	Helms
Brownback	DeWine	Hollings
Bunning	Domenici	Hutchinson
Burns	Dorgan	Hutchison
Byrd	Durbin	Inhofe
Campbell	Edwards	Inouye
Cantwell	Ensign	Johnson
Carnahan	Enzi	Kennedy
Carper	Feingold	Kerry

Kohl	Murray	Smith (OR)
Kyl	Nelson (FL)	Snowe
Landrieu	Nelson (NE)	Specter
Leahy	Nickles	Stabenow
Levin	Reed	Stevens
Lieberman	Reid	Thomas
Lincoln	Roberts	Thompson
Lott	Rockefeller	Thurmond
Lugar	Santorum	Torricelli
McCain	Sarbanes	Voinovich
McConnell	Schumer	Warner
Mikulski	Sessions	Wellstone
Miller	Shelby	Wyden
Murkowski	Smith (NH)	

## NOT VOTING—2

Dodd	Jeffords
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's actions.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Under the previous order, the Senator from Ohio is recognized.

## FEDERALIZATION OF AVIATION SECURITY

Mr. DEWINE. Mr. President, let me first thank Senator HOLLINGS and Senator MCCAIN for their hard work and diligence in getting the aviation security bill passed this evening. I congratulate them for this accomplishment.

Let me also thank and commend my colleague from Montana, Senator BURNS, for his contribution to this bill. I cosponsored and I spoke earlier today in support of his amendment to put certain aspects of aviation security in the hands of the Justice Department.

I support this effort because the Justice Department is in the law enforcement and security business. The Department has a law enforcement mindset, a security mindset, and that is the mindset, a way of thinking, that is essential to making sure our airports and aircraft are safe and our people are secure.

Having said that, the bill we passed today, though it has some very good and very important provisions, also has, in my opinion, a very significant problem. That problem is the bill as currently written mandates all security functions at the Nation's major airports be handled exclusively by Federal employees. I believe this is a problem because this provision does not allow for the hiring flexibility necessary to protect the traveling public. How can this Congress say with absolute certainty that a 100-percent federalized security force will in every case do the best job in carrying out security measures? I do not think we really can say that.

The reality is we do not know right now. Yes, we do know we need the Federal Government to be in charge at our airports, and this bill, thank Heavens, does that. I also believe strongly that

flexibility is key to determining the best makeup of the security workforce. Flexibility in hiring between Federal workers and private contractors is absolutely essential.

At the same time, we need the Government to establish and enforce higher, more stringent security standards. That is clear. The Government must set the security standards. The Government must be in charge. The Government must assess the risks, set the standards, and then test compliance with those standards. The standards, yes, must be strict and they must be tough and they must be comprehensive.

The public demands we do this, and the public is right. That does not necessarily mean a 100-percent federalized security workforce at our airports is in every case going to be the best security; that somehow a Federal takeover and full Government presence at our airports will restore the public's confidence in air travel. Rather, higher standards and enforcement of those standards by our Government will give the public back its trust in the system.

There are certainly gaps in our current airport security system. The way security works now is the airlines that have the biggest presence at a given airport usually are the ones responsible for hiring contract security employees. Not surprisingly, the jobs normally go to the lowest bidders. It should come as no shock that current security is not what it should be. Screeners of baggage are low-skilled, low-paid employees. Turnover is subsequently often as high as 100 percent in a given year, with the average employee today staying no longer than 6 months in that job.

The fact is, unless there is accountability, unless there is a way to ensure the security personnel are doing their jobs, we cannot protect the traveling public. If private sector personnel are not doing the job, we will and can cancel their contract. It is that simple. They have a very real and very practical incentive to do a good job.

Further, it is difficult for the Government to be in the business of "regulating security" and carrying out its actual operation. Other nations around the world don't do it that way. Israel, with one of the best security records and one of the most dangerous terrorist-ridden parts of the world, does not do it that way. They do not do what this bill mandates.

Most nations in Europe had total federalization, and now they have changed to a mixed system. Most of the countries in Europe, as the chart indicates, contract out well over a majority of the security operations while the government maintains the regulatory role.

The average Federal private personnel split in airport security across Europe is 85-percent private employees, mostly handling screening; 15 percent are government employees, performing